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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,003	09/25/2003	Pertti Kontio	944-005.020	4539

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EXAMINER

DETWILER, BRIAN J

ART UNIT PAPER NUMBER

2173

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/671,003

Applicant(s)

KONTIO, PERTTI

Examiner

Brian J. Detwiler

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,664,991 to Chew et al. (hereinafter Chew) and U.S. Patent No. 5,995,101 to Clark et al. (hereinafter Clark).

Referring to claims 1, 7, and 13, Chew teaches a series of operational steps expressible in computer codes for an electronic device capable of carrying out commands for a method of interacting with an icon displayed on a touch screen in an electronic device (i.e. hand-held computing device; col. 1, lines 27-30), the electronic device capable of carrying a command (input function) and further capable of providing a message (i.e. context menu or tool tip) associated with the command (col. 3, lines 33-67), wherein the input function is displayed at a designated area (designated coordinates; col. 3, lines 41-44) of the screen so as to allow a user to interact with the input function by using a physical object (stylus), said method comprising the steps of:

contacting the screen at the designated area by the physical object (press); and

keeping the physical object at the designated area longer than a selected time to cause the electronic device to provide the message (and hold gesture). See col. 1, lines 56 – col. 2, line 9.

Chew also describes that the user may remove the stylus before the selected time has expired, such that the context menu is not displayed, and that this stylus up event is dispatched to the parent application. See col. 7, lines 1-8. Chew describes that tapping (i.e. stylus down followed by stylus up event) may cause selection of an entry.

Chew does not explicitly mention that the input function is a command symbolized by an icon or that the stylus up event before the expiration of the selected time causes the command to be executed.

However, Clark teaches that tool tips are commonly associated with icons and that when a user selects the icon with a pointing device, the command associated with the icon is carried out. See col. 1, lines 10-40.

It would have been obvious to one of ordinary skill in the art to provide the executable icons of Clark within the hand-held computing device of Chew such that icons represent executable input functions in Chew, in order to represent input functions with graphical images as supported in Clark.

Referring to claims 2, 8, and 14, Chew and Clark teach removing the physical object from the screen after the message is displayed to cause the electronic device to carry out the command (i.e. Clark teaches selecting the icon at any time invokes the associated function; col. 1, lines 26-28), or

moving the physical object off the desired area while keeping the physical object substantially on the screen after displaying the message to end the message (Chew at col. 4, lines 7-9).

Art Unit: 2173

Referring to claims 3, 9, and 15, Chew and Clark teach removing the physical object from the screen after ending the display of the message (i.e. stylus up event); or

moving the physical object to a further designated area after ending the display of the message for causing the electronic device to provide a message associated with the further designated area (i.e. each hold over an icon causes the associated context menu or tool tip to be displayed). See Chew at Fig. 3, 300, which shows other selectable areas, and Clark at Fig. 1, which shows several icons with related tool tips.

Referring to claims 4 and 10, Chew and Clark teach removing the physical object from the screen after moving the further object to a further designated area to cause the electronic device to carry out a command associated with the further designated area (i.e. Clark teaches selecting an icon at any time invokes the associated function; col. 1, lines 26-28).

Referring to claims 5-6 and 11, the provided message of Chew and Clark comprises a text message (text bubble) that is displayed on the screen (i.e. Chew at Fig. 4, 400).

Referring to claim 12, Chew does not explicitly teach that the message may be in an audible form from an audio device. However, Clark teaches that tool tips may be presented as audio (col. 2, lines 1-9). It would have been obvious to one of ordinary skill in the art to provide the tool tip of Chew in a audible format as described by Clark in order to tailor the tool tip to the user's needs as supported by Clark, especially for the small screen device of Chew.

Response to Arguments

Applicant's arguments filed 12 May 2005 have been fully considered but they are not persuasive. With regard to claims 1, 7, and 13, Applicant first asserts that Chew discloses a

Art Unit: 2173

context sensitive menu, which is only a list of options or commands, and fails to teach a message describing the command. The examiner respectfully disagrees. Chew specifically explains in column 3: lines 65-67 that, "In some embodiments, the parent application substitutes a tool tip or pop-up help for the context menu." The examiner submits that both tool tips and pop-up help messages qualify as messages describing a command. As the previous examiner explained, Chew fails to *explicitly* disclose that the command is symbolized by an icon, or that simply tapping a command causes it to be executed. The previous examiner relied upon Clark to show that tool tips, like those taught by Chew, can be implemented with icons and commands as claimed. Even with Clark's teachings aside, however, the examiner submits that Chew's invention ultimately suggests being able to select any graphical object that could have an associated context menu, tool tip, or pop-up help message. Chew even explains in column 7: lines 1-8 that if the stylus does not remain in contact with the touch-sensitive screen for a certain amount of time, that the default event is dispatched to the parent application. Such an event most certainly could be a simple tap to execute a command symbolized with an icon. Clark's teachings, nonetheless, are discussed to point to the fact that even without a specific teaching from Chew, it is notoriously well known that icons can symbolize commands, that tool-tips describing the command can be associated with the icon, and that simply clicking on the icon for a short amount of time causes the command to be executed.

With regard to claims 2, 8, and 14, Applicant asserts that Chew fails to disclose moving the physical object off the designated area while keeping the physical object substantially on the screen. The examiner respectfully disagrees. As pointed out by Applicant, Chew discloses dismissing the context menu or tool tip by "touching" the stylus outside the context area and by

Art Unit: 2173

“tapping” the stylus outside of the context area. The examiner agrees that “tapping” most certainly implies removing the stylus from the screen, tapping the screen, and then removing it again. The examiner disagrees that “touching” is completely analogous. It should be appreciated that touch sensitive interfaces have been designed to mimic those built around a mouse and cursor. Two frequent interactions with the latter involve clicking and dragging. A click operation involves pressing and releasing the mouse button with the cursor on top of a desired object, while a drag operation involves pressing the mouse button with the cursor on top of a desired object and then moving the cursor away from that object before releasing. Most buttons, for instance, respond by carrying out the symbolized command when clicked, but do nothing when dragged (unless the button is capable of being dropped at a new location). The examiner notes that Clark provides evidence of these teachings in column 3: lines 24-29 and column 4: lines 45-49. Since this was an interface standard at the time the invention was filed, one of ordinary skill in the art would have interpreted Chew’s teachings to mean that the context menu or tool tip could be dismissed by either touching, i.e., simply moving the cursor outside of the context area, or tapping, i.e., removing the stylus from the screen and tapping an area outside of the context area.

Claims 1-15 stand rejected for at least these reasons.

Conclusion

In responding to this office action, please note that the examiner of record for the instant application has changed.

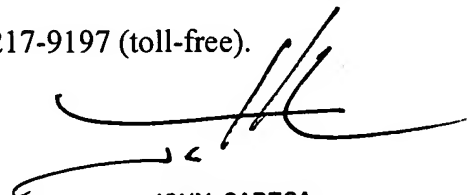
THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Detwiler whose telephone number is 571-272-4049. The examiner can normally be reached on Mon-Thu 8-5:30 and alternating Fridays 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca can be reached on 571-272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Application/Control Number: 10/671,003

Page 8

Art Unit: 2173

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